

SECOND REGULAR SESSION

# HOUSE BILL NO. 2008

## 91ST GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE O'CONNOR.

Read 1<sup>st</sup> time February 20, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4676L.011

---

### AN ACT

To repeal section 301.550, RSMo, and to enact in lieu thereof one new section relating to powersport dealers.

---

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 301.550, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.550, to read as follows:

301.550. 1. The definitions contained in section 301.010 shall apply to sections 301.550 to 301.573, and in addition as used in sections 301.550 to 301.573, the following terms mean:

(1) "Boat dealer", any natural person, partnership, or corporation who, for a commission or with an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents with the option to purchase, offers, attempts to sell, or negotiates the sale of any vessel or vessel trailer, whether or not the vessel or vessel trailer is owned by such person. The sale of six or more vessels or vessel trailers or both in any calendar year shall be required as evidence that such person is eligible for licensure as a boat dealer under sections 301.550 to 301.573. The boat dealer shall demonstrate eligibility for renewal of his license by selling six or more vessels or vessel trailers or both in the prior calendar year while licensed as a boat dealer pursuant to sections 301.550 to 301.573;

(2) "Boat manufacturer", any person engaged in the manufacturing, assembling or modification of new vessels or vessel trailers as a regular business, including a person, partnership or corporation which acts for and is under the control of a manufacturer or assembly in connection with the distribution of vessels or vessel trailers;

(3) "Department", the Missouri department of revenue;

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

- 17 (4) "Director", the director of the Missouri department of revenue;
- 18 (5) "Manufacturer", any person engaged in the manufacturing, assembling or  
19 modification of new motor vehicles or trailers as a regular business, including a person,  
20 partnership or corporation which acts for and is under the control of a manufacturer or assembly  
21 in connection with the distribution of motor vehicles or accessories for motor vehicles;
- 22 (6) "Motor vehicle broker", a person who holds himself out through solicitation,  
23 advertisement, or otherwise as one who offers to arrange a transaction involving the retail sale  
24 of a motor vehicle, and who is not:
- 25 (a) A dealer, or any agent, or any employee of a dealer when acting on behalf of a dealer;
- 26 (b) A manufacturer, or any agent, or employee of a manufacturer when acting on behalf  
27 of a manufacturer;
- 28 (c) The owner of the vehicle involved in the transaction; or
- 29 (d) A public motor vehicle auction or wholesale motor vehicle auction where buyers are  
30 licensed dealers in this or any other jurisdiction;
- 31 (7) "Motor vehicle dealer" or "dealer", any person who, for commission or with an intent  
32 to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents  
33 with the option to purchase, or who offers or attempts to sell or negotiates the sale of motor  
34 vehicles or trailers whether or not the motor vehicles or trailers are owned by such person;  
35 provided, however, an individual auctioneer or auction conducted by an auctioneer licensed  
36 pursuant to chapter 343, RSMo, shall not be included within the definition of a motor vehicle  
37 dealer. The sale of six or more motor vehicles or trailers in any calendar year shall be required  
38 as evidence that such person is engaged in the motor vehicle business and is eligible for licensure  
39 as a motor vehicle dealer under sections 301.550 to 301.573;
- 40 (8) "New motor vehicle", any motor vehicle being transferred for the first time from a  
41 manufacturer, distributor or new vehicle dealer which has not been registered or titled in this  
42 state or any other state and which is offered for sale, barter or exchange by a dealer who is  
43 franchised to sell, barter or exchange that particular make of motor vehicle. The term "new  
44 motor vehicle" shall not include manufactured homes, as defined in section 700.010, RSMo;
- 45 (9) "New motor vehicle franchise dealer", any motor vehicle dealer who has been  
46 franchised to deal in a certain make of motor vehicle by the manufacturer or distributor of that  
47 make and motor vehicle and who may, in line with conducting his business as a franchise dealer,  
48 sell, barter or exchange used motor vehicles;
- 49 (10) "Person" includes an individual, a partnership, corporation, an unincorporated  
50 society or association, joint venture or any other entity;
- 51 (11) **"Powersport dealer", any motor vehicle dealer who sells, either pursuant to**  
52 **a franchise agreement or otherwise, primarily motor vehicles including but not limited to**

53 **motorcycles, all-terrain vehicles, and personal watercraft, as those terms are defined in this**  
54 **chapter and chapter 306, RSMo;**

55 (12) "Public motor vehicle auction", any person, firm or corporation who takes  
56 possession of a motor vehicle whether by consignment, bailment or any other arrangement,  
57 except by title, for the purpose of selling motor vehicles at a public auction by a licensed  
58 auctioneer;

59 [(12)] (13) "Storage lot", an area, within the same city or county where a dealer may  
60 store excess vehicle inventory;

61 [(13)] (14) "Used motor vehicle", any motor vehicle which is not a new motor vehicle,  
62 as defined in sections 301.550 to 301.573, and which has been sold, bartered, exchanged or given  
63 away or which may have had a title issued in this state or any other state, or a motor vehicle so  
64 used as to be what is commonly known as a secondhand motor vehicle. In the event of an  
65 assignment of the statement of origin from an original franchise dealer to any individual or other  
66 motor vehicle dealer other than a new motor vehicle franchise dealer of the same make, the  
67 vehicle so assigned shall be deemed to be a used motor vehicle and a certificate of ownership  
68 shall be obtained in the assignee's name. The term "used motor vehicle" shall not include  
69 manufactured homes, as defined in section 700.010, RSMo;

70 [(14)] (15) "Used motor vehicle dealer", any motor vehicle dealer who is not a new  
71 motor vehicle franchise dealer;

72 [(15)] (16) "Vessel", every boat and watercraft defined as a vessel in section 306.010,  
73 RSMo;

74 [(16)] (17) "Vessel trailer", any trailer, as defined by section 301.010 which is designed  
75 and manufactured for the purposes of transporting vessels;

76 [(17)] (18) "Wholesale motor vehicle auction", any person, firm or corporation in the  
77 business of providing auction services solely in wholesale transactions at its established place  
78 of business in which the purchasers are motor vehicle dealers licensed by this or any other  
79 jurisdiction, and which neither buys, sells nor owns the motor vehicles it auctions in the ordinary  
80 course of its business. Except as required by law with regard to the auction sale of a government  
81 owned motor vehicle, a wholesale motor vehicle auction shall not provide auction services in  
82 connection with the retail sale of a motor vehicle;

83 [(18)] (19) "Wholesale motor vehicle dealer", a motor vehicle dealer who sells motor  
84 vehicles only to other new motor vehicle franchise dealers or used motor vehicle dealers or via  
85 auctions limited to other dealers of any class.

86 2. For purposes of sections 301.550 to 301.573, neither the term "motor vehicle" nor the  
87 term "trailer" shall include manufactured homes, as defined in section 700.010, RSMo.

88 3. Dealers shall be divided into classes as follows:

- 89           (1) Boat dealers;
- 90           (2) Franchised new motor vehicle dealers;
- 91           (3) Used motor vehicle dealers;
- 92           (4) Wholesale motor vehicle dealers;
- 93           (5) Recreational motor vehicle dealers;
- 94           (6) Historic motor vehicle dealers;
- 95           (7) Classic motor vehicle dealers; and
- 96           (8) [Motorcycle] **Powersport** dealers.